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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: METZGER ET AL. Examiner: UNKNOWN  
Serial No.: 10/825,483 Group Art Unit: UNKNOWN  
Filed: APRIL 14, 2004 Docket: 13033.5USC1  
Due Date: JULY 14, 2004  
Title: STIFFENING PHARYNGEAL WALL TREATMENT

**CERTIFICATE UNDER 37 CFR 1.8:**  
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 1, 2004.  
By: [Signature]  
Name: Karen A. Fitzsimmons

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**23552**  
PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Supplemental Information Disclosure Statement, Form 1449
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.  
P.O. Box 2903, Minneapolis, MN 55402-0903  
612.332.5300

By: [Signature]  
Name: Karen A. Fitzsimmons  
Reg. No.: 50,470  
KFitzsimmons:PLStov

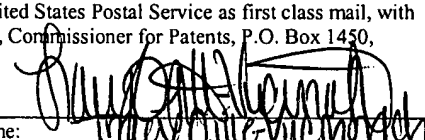


S/N 10/825,483

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-------------|--------------------------------------|-----------------|-------------|
| Applicant:  | METZGER ET AL.                       | Examiner:       | UNKNOWN     |
| Serial No.: | 10/825,483                           | Group Art Unit: | UNKNOWN     |
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By:   
Name: Max Ojeda-Michon

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted within three months of the filing date of the above-identified application, which is not an application under 37 C.F.R. § 1.53(d). Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. § 1.98(d), a copy of each document or other information listed on the enclosed Form 1449 is not provided because it was previously cited by or submitted to the U.S. Patent and Trademark Office in parent application, U.S. Serial No. 10/237,149 filed on September 6, 2002.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

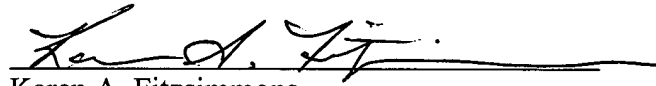
Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: July 1, 2004

  
Karen A. Fitzsimmons  
Reg. No. 50,470  
KAF:PLStov



Date Mailed: July 1, 2004

Sheet 1 of 1

|   |                               |                                   |
|---|-------------------------------|-----------------------------------|
| <b>FORM 1449*</b><br><b>INFORMATION DISCLOSURE STATEMENT</b><br><br><b>IN AN APPLICATION</b><br><br>(Use several sheets if necessary) | Docket Number:<br>13033.5USC1 | Application Number:<br>10/825,483 |
|   | Applicant: METZGER ET AL.     |                                   |
|   | Filing Date: 04/14/2004       | Group Art Unit: UNKNOWN           |

| U.S. PATENT DOCUMENTS |              |      |      |       |          |                               |
|-----------------------|--------------|------|------|-------|----------|-------------------------------|
| EXAMINER<br>INITIAL   | DOCUMENT NO. | DATE | NAME | CLASS | SUBCLASS | FILING DATE<br>IF APPROPRIATE |
|                       |              |      |      |       |          |                               |
|                       |              |      |      |       |          |                               |
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| FOREIGN PATENT DOCUMENTS |              |      |         |       |          |             |    |
|--------------------------|--------------|------|---------|-------|----------|-------------|----|
|                          | DOCUMENT NO. | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION |    |
|                          |              |      |         |       |          | YES         | NO |
|                          |              |      |         |       |          |             |    |
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|                          |              |      |         |       |          |             |    |
|                          |              |      |         |       |          |             |    |

| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) |  |   |
|--|--|---|
|  |  | Blumen et al., Radiofrequency Ablation for the Treatment of Mild to Moderate Obstructive Sleep Apnea, pages 2086-2092 (November 2002) |
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**23552**

PATENT TRADEMARK OFFICE

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|---|-----------------|
| EXAMINER  | DATE CONSIDERED |
| EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant. |                 |